

REMARKS

I. Status of Claims

Claims 36-39, 45, 48-68, and 85-87 are pending and stand rejected on the grounds of nonstatutory double patenting over claims 1-16 of U.S. Patent Application No. 10/950,606 (U.S. Patent Publication No. 2005/0038409). The Applicant respectfully requests reconsideration of these rejections in view of the following remarks.

II. Double Patenting Rejection

To remove this rejection, the Applicant respectfully submits the enclosed terminal disclaimer directed to U.S. Patent Application No. 10/950,606. The filing of this terminal disclaimer obviates the rejection based on nonstatutory double patenting and it is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991); MPEP § 804.02.

III. Conclusion

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below. The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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/Daniel G. Shanley/

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